

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LAURA SEIDL, individually, derivatively and on behalf of all others similarly situated,

Plaintiff,

vs.

AMERICAN CENTURY COMPANIES, INC.,
AMERICAN CENTURY INVESTMENT
MANAGEMENT, INC., JAMES E. STOWERS, JR.,
JONATHAN S. THOMAS, THOMAS A. BROWN,
ANDREA C. HALL, DONALD H. PRATT, GALE A.
SAYERS, M. JEANNINE STRANDJORD,
TIMOTHY S. WEBSTER, WILLIAM M. LYONS,
MARK MALLON, WADE SLOME, BRUCE
WIMBERLY and JERRY SULLIVAN,

Defendants.

and

AMERICAN CENTURY MUTUAL FUNDS, INC.,
doing business as AMERICAN CENTURY ULTRA
FUND,

Nominal Defendant.

INDEX No. 08-CV-8857 (DLC)
ECF Case

**NOTICE OF INSTITUTIONAL
DEFENDANTS' MOTION TO DISMISS
SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Second Amended Verified Derivative and Class Action Complaint in the above-captioned action, the Answer to Amended Complaint in the above-captioned action, the accompanying Memorandum of Law in Support of Institutional Defendants' Motion to Dismiss Second Amended Complaint, the accompanying declaration of Gordon C. Atkinson, executed on December 18, 2009 and the exhibits thereto, the accompanying Institutional Defendants' Request for Judicial Notice and the exhibits thereto, the Fund and Independent Directors' Memorandum of Law in Support of their Motion to Dismiss Plaintiff's

Second Amended Verified Derivative and Class Action Complaint, all prior papers and proceedings herein, and any such additional argument as may be presented at or before any hearing, Defendants American Century Companies, Inc., American Century Investment Management, Inc., James E. Stowers, Jr., James E. Stowers, III, Jonathan S. Thomas, William M. Lyons, Mark Mallon, Wade Slome, Bruce Wimberly, and Jerry Sullivan, by its undersigned counsel, will move this Court before the Honorable Denise L. Cote, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order granting defendants' motion to dismiss for failure to state a claim, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

Dated: December 18, 2009

Respectfully submitted,

COOLEY GODWARD KRONISH LLP
GORDON C. ATKINSON (GA-8337)
BENJAMIN KLEINE (BK-1975)

By: /s/ Gordon C. Atkinson
Gordon C. Atkinson (GA-8337)

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